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4 BILL NO. G-76-10- 13

5 GENERAL ORDINANCE NO. G- *1111111111*

6 AN ORDINANCE amending General  
7 Ordinance No. G-97 by authorizing  
8 the vacation of certain streets,  
9 easements and subdivision.

10 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY  
11 OF FORT WAYNE, INDIANA:

12 SECTION 1. Petition for the vacation of certain streets,  
13 easements and subdivision having been filed with the Fort Wayne  
14 City Plan Commission on September 17, 1976, all in accordance with  
15 Section 44, Chapter 174, of the Acts of the General Assembly of  
16 the State of Indiana, as amended by Section 3, Chapter 385, of the  
17 Acts of 1963 of the General Assembly of the State of Indiana (Burns  
18 Ind. Stat., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan  
19 as set forth in General Ordinance No. G-97 adopted by the Common  
20 Council of the City of Fort Wayne on November 26, 1963, is amended  
21 by deleting the following streets, easements and subdivision,  
22 to-wit:

23 Lots numbered 247 through 276, lots numbered 298  
24 through 343 and adjoining streets in SPRINGWOOD  
25 SECTION II as recorded in Plat Book 30, Page 73, and  
26 more particularly described as follows:

27 Beginning at the Northwest corner of lot numbered  
28 245 in SPRINGWOOD SECTION II and on the West line of  
29 the Northeast Quarter of Section 13, T 31 N, R 12E;  
30 thence N 02° 19' 21" W along said West line of the NE  
31 1/4, 840.77 feet; thence N 87° 40' 35" E, 1923.12 feet  
32 to the Northerly R/W line of I-69; thence on a chord  
33 bearing S 53° 12' 46" W for a curve with a radius of  
34 8,494.37 feet along the Northerly line of I-69,  
35 1152.29 feet to the Southeast corner of lot numbered  
36 344 in SPRINGWOOD SECTION II; thence N 32° 57' 47" W,  
37 along the Easterly line of said lot 344, 190 feet;  
38 thence S 57° 07' 10" W, 23.98 feet, thence N 31° 50'  
39 36" W, along the Easterly line of lot numbered 277  
40 in said addition 85 feet; thence N 03° 21' 36" E  
41 along the Easterly line of lot numbered 278 in said add-  
42 ition; 95.8 feet; thence N77° 10' 23" W along the North-  
43 erly line of lots numbered 278 and 279 in said addition,  
44 158.72 feet, thence S 87° 40' 35" W along the Northerly  
45 line of lots numbered 280, 281, 282 and 283, 325.0  
46 feet; thence S 61° 06' 45" W, 55.90 feet; thence S 02°  
47 19' 21" E along the Westerly line of lots numbered  
48 284 and 285 in said addition, 240.00 feet; thence S19°  
49 01' 18" E along the Westerly line of lot numbered 286  
50 in said addition, 62.64 feet; thence S 15° 47' 48" W  
51 along the Northwesterly line of lots 295 and 296 in

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4 said addition 121.84 feet; thence S 62° 36' 36"  
5 W, along the Norhterly line of lot numbered 297 in  
6 said addition, 149.08 feet; thence S 69° 11' 45" W,  
7 147.68 feet to the point of beginning containing  
8 18.27 acres more or less,

9  
10 SECTION 2. After passage of this Ordinance, approval  
11 by the Mayor and legal publication, a duly certified copy of  
12 this Ordinance, of the recommendation of the Fort Wayne City  
13 Plan Commission, and of the action of the Mayor, shall be  
14 transmitted by the City Clerk to the Board of Public Works of the  
15 City of Fort Wayne, Indiana.

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17 SECTION 3. This Ordinance shall be in full force and  
18 effect from and after its passage, approval by the Mayor and  
19 legal publication thereof.  
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Councilman

APPROVED AS TO FORM  
AND LEGALITY  


Read the first time in full and on motion by U. Nuckols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and ~~Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the day of \_\_\_\_\_, 1976, at \_\_\_\_\_ o'clock P.M., E.S.T.~~

DATE: 10-12-76

Charles W. Whittemore  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BURNS	_____	_____	_____	_____	_____
HINGA	_____	_____	_____	_____	_____
HUNTER	_____	_____	_____	_____	_____
MOSES	_____	_____	_____	_____	_____
NUCKOLS	_____	_____	_____	_____	_____
SCHMIDT, D.	_____	_____	_____	_____	_____
SCHMIDT, V.	_____	_____	_____	_____	_____
STIER	_____	_____	_____	_____	_____
TALARICO	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION)

ORDINANCE (RESOLUTION) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 1976.

ATTEST:

(SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 1976, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1976, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
MAYOR

Bill No. G-76-10-13

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
amending General Ordinance No. G-97 by authorizing the vacation of  
certain streets, easements and subdivision

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Withdraw PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WINFIELD C. MOSES, JR. - VICE CHAIRMAN

WILLIAM T. HINGA

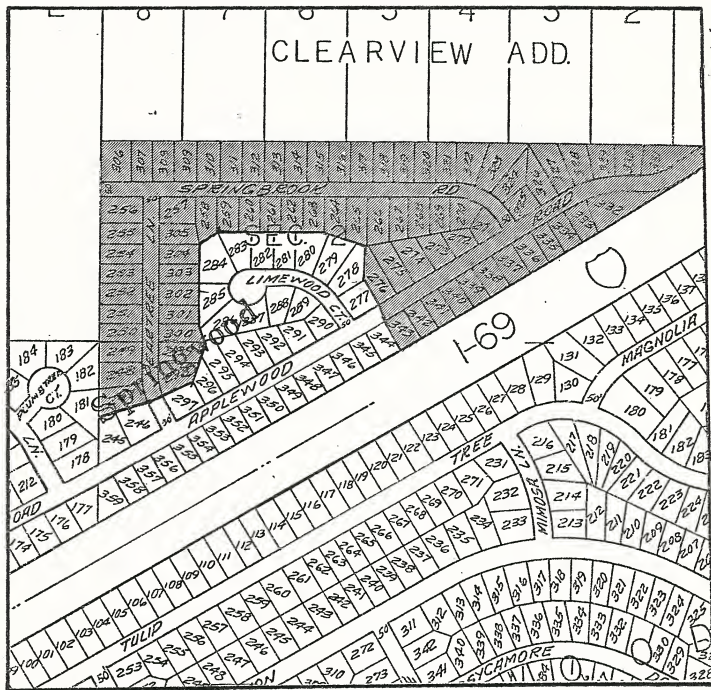
DONALD SCHMIDT

SAMUEL J. TALARICO

Vivian G. Schmidt  
Winfield C. Moses Jr  
William T. Hinga

Samuel J. Talarico

MADE A MATTER OF RECORD  
DATE 7-22-77 CHARLES W. WETTERMAN, CITY CLERK



STREETS TO BE VACATED AND LOTS

9-22-76=

C-21

L.S.

6-76-10-13



PETITION TO VACATE (Part of the Plat of SPRINGWOOD SECTION II)

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following part of the Plat of SPRINGWOOD SECTION II including dedicated utility easements within the City of Fort Wayne, Indiana, and hereby described as follows:

Lots numbered 247 through 276, lots numbered 298 through 343 and adjoining streets in SPRINGWOOD SECTION II as recorded in Plat Book 30, Page 73, and more particularly described as follows:

Beginning at the Northwest corner of lot numbered 245 in SPRINGWOOD SECTION II and on the West line of the Northeast Quarter of Section 13, T 31 N, R 12E; thence N 02° 19' 21" W along said West line of the NE 1/4, 840.77 feet; thence N 87° 40' 35" E, 1923.12 feet to the Northerly R/W line of I-69; thence on a chord bearing S 53° 12' 46" W for a curve with a radius of 8,494.37 feet along the Northerly line of I-69, 1152.29 feet to the Southeast corner of lot numbered 344 in SPRINGWOOD SECTION II; thence N 32° 57' 47" W, along the Easterly line of said lot 344, 190 feet; thence S 57° 07' 10" W, 23.98 feet, thence N 31° 50' 36" W, along the Easterly line of lot numbered 277 in said addition 85 feet; thence N 03° 21' 36" E along the Easterly line of lot numbered 278 in said addition; 95.8 feet; thence N 77° 10' 23" W along the Northerly line of lots numbered 278 and 279 in said addition, 158.72 feet, thence S 87° 40' 35" W along the Northerly line of lots numbered 280, 281, 282 and 283, 325.0 feet; thence S 61° 06' 45" W, 55.90 feet; thence S 02° 19' 21" E along the Westerly line of lots numbered 284 and 285 in said addition, 240.00 feet; thence S 19° 01' 18" E along the Westerly line of lot numbered 286 in said addition, 62.64 feet; thence S 15° 47' 48" W along the Northwesterly line of lots 295 and 296 in said addition 121.84 feet; thence S 62° 36' 36" W, along the Northerly line of lot numbered 297 in said addition, 149.08 feet; thence S 69° 11' 45" W, 147.68 feet to the point of beginning containing 18.27 acres more or less.

IN SUPPORT THEREOF, your Petitioners would represent as follows:

1. The existing plat does not represent the highest and best use of the land and includes poor ingress and egress for the lots therein.
2. City Engineering requirements for drainage detention basin has necessitated alterations for the street and lot patterns.
3. Existing lot sizes are too small for the current market.
4. The Petitioners have filed with the Allen Circuit Court a request for said vacation and on August 31, 1976 Judge Busse granted

said vacation.

Your Petitioners file this Petition pursuant to the authority granted in Burns Indiana Statutes Annotated, Section 53-744, in order to complete the vacation as above described.

WHEREFORE, your Petitioners pray that the above described Part of Plat be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED this 17<sup>th</sup> day of September, 19 76.

  
\_\_\_\_\_  
Petitioner  
(Address)

\_\_\_\_\_  
Petitioner  
(Address)

DUNTEN, BECKMAN, LAWSON, FRUECHTENICHT & SNYDER

LAWYERS

FREDERICK A. BECKMAN  
JACK W. LAWSON  
THOMAS E. FRUECHTENICHT  
STEPHEN R. SNYDER

2410 FORT WAYNE BANK BUILDING  
FORT WAYNE, INDIANA 46802

January 27, 1977

LOUIE H. DUNTEN 1976  
TELEPHONE  
423-1602  
AREA CODE 219

Ms. Patsy Rumsey  
Allen County Plan Commission  
6th Floor City-County Building  
Fort Wayne, Indiana 46802

Re: Vacation of Plat of Springwood Section II

Dear Patsy:

This will confirm my telephone conversation with Gary Baeten on January 17, 1977, in which I requested withdrawal of the application for vacation of the plat of Springwood II from the Plan Commission hearing agenda on that date. The request was made to allow Amos Delagrange to correct some defects occurring in the Petition for Vacation filed in Circuit Court.

It is Mr. Delagrange's intent to amend the Petition for Vacation filed in Circuit Court, correct the defects and proceed with this matter including rescheduling the matter for hearing before the Plan Commission.

Very truly yours,

DUNTEN, BECKMAN, LAWSON,  
FRUECHTENICHT & SNYDER

Stephen R. Snyder

SRS/cn



## DIGEST SHEET

TITLE OF ORDINANCE Subdivision vacation ordinance 2-76-10-13.

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_ CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE Petitioners (Amos D. Delagrangre) are requesting  
the vacation of a part of Plat of Springwood Section II, including dedicated  
utility easements. (For legal description, see petition attached)EFFECT OF PASSAGE If vacated, petitioners will replat as OLD ORCHARDEFFECT OF NON-PASSAGE Subudivision will remain platted as recorded.MONEY INVOLVED (Direct Costs, Expenditures, Savings) noneASSIGNED TO COMMITTEE (J.N.) Regulation John